

## FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT

### **RULE 7.9 -- AIR TOXICS HOT SPOTS FEES (AB 2588)**

*(Adopted 7/6/92; Amended 6-7-93; 5-2-94; 8-7-95; 8-5-96; 7-7-97; 8-3-98; 8-2-99; 10-1-01)*

The owner or operator of any stationary source subject to the provisions of the Health and Safety Code Section 44300 et.seq., shall pay the fee adopted by the District Board. The District shall notify and assess the operator of each facility of the fee due.

#### A. APPLICABILITY

This rule shall apply to any stationary source (facility) which commenced operation prior to January 1 of the year in which the fees are assessed pursuant to this rule, and which manufactures, formulates, uses, or releases any of the hazardous substances listed pursuant to the California Health and Safety Code (H&S Code), Section 44321, or any other substance which reacts to form a substance so listed and which:

- A.1 Releases, or has the potential to release, 10 tons per year or greater of total organic gases, particulate matter, sulfur oxides or nitrogen oxides; or
- A.2 Releases, or has the potential to release, less than 10 tons per year of total organic gases, particulate matter, sulfur oxides or nitrogen oxides; is included in any class listed in Appendix E, Section 93300 through 93354 of Title 17 of the California Code of Regulations (Criteria and Guidelines Regulation); and is required to submit an individual emission inventory plan and report; or
- A.3 Releases, or has the potential to release, less than 10 tons per year of total organic gases, particulate matter, sulfur oxides or nitrogen oxides; is included in any class listed in Appendix E, Section 93300 through 93354 of Title 17 of the California Code of Regulations; and is included in an industrywide emission inventory prepared by the District pursuant to H&S Code Section 44323; or
- A.4 The District determines that the facility may pose a potential threat to public health and that the facility therefore does not qualify for an exemption.

#### B. DEFINITIONS

For the purposes of this rule the following definitions shall apply:

- B.1 Core facility: A facility meeting the criteria set forth in Sections A.1, A.2, or A.4.

- B.2 Criteria Pollutant: Total organic gases (TOG), particulate matter (PM), oxides of nitrogen (NOx), or sulfur oxides (SOx).
- B.3 Industrywide Facility (IWD): A facility that meets the criteria set forth in Section A.3 and is either an auto body shop, as described by Standard Industrial Classification (SIC) Codes 5511-5521 or 7532; a gasoline station, SIC Code 5541; a dry cleaner, SIC Code 77216; a printing and publishing operation, SIC Codes 2711-2771 or 2782; or other facility that meets the conditions specified in Health & Safety Code, Section 44323.
- B.4 Health Risk Assessment (HRA) and Health Hazard Index (HHI): A detailed comprehensive analysis prepared to evaluate and predict the dispersion of hazardous substances in the environment and the potential for exposure of human populations and to assess and quantify both the individual and population-wide health risks associated with those levels of exposure. An HRA value indicates risk in terms of cancer and an HHI value indicates risk in terms of non-cancer effects.

An HRA score less than 1 and an HHI score less than 0.1 is categorized as Low; an HRA greater than or equal to 10 or an HHI greater than 1 as High; all other scores are categorized as Intermediate.

- B.5 Prioritization or Priority Score (PS): A facility's numerical ranking indicating potential cancer or non-cancer public health effects, as determined by the District using the District's Prioritization Procedure for the Hot Spots program.

A prioritization score less than or equal to 1 is categorized as Low; greater than 1 and less than or equal to 10 as Intermediate; and greater than 10 as High.

- B.6 Prioritized Facility: A facility that is subject to the Hot Spots program, pursuant to Sections A.1 through A.4, and has been prioritized by the District using the District's Prioritization Procedure, or has had a health risk assessment performed per the California Air Pollution Control Officers Association (CAPCOA) or the Office of Environmental Health Hazard Assessment (OEHHA) Risk Assessment Guidelines (whichever is the accepted guideline at the time of the assessment).

- B.7 Quadrennial Update: Every 4 years an updated plan and report is required of all facilities with an intermediate prioritization score or an intermediate health risk assessment. The update shall evaluate and report facility operating and toxics inventory changes, changes to

receptor distances, new potency factors, and new chemicals added to the toxic air contaminant list.

Quadrennial Update facilities are only assessed District fees not to exceed \$125 without District Board approval.

- B.8 Release: Any activity that may cause the issuance of air contaminants, including actual or potential spilling, leaking, pumping, pouring, spraying, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of a substance into the ambient air, and which results from the routine operation of a facility or is predictable, including, but not limited to, continuous and intermittent releases and predictable process upsets or leaks.
- B.9 Risk I Facility: A facility having a high health risk assessment greater than or equal to 10 and less than 50; or a health hazard index greater than 1.
- B.10 Risk II Facility: A facility having a high health risk assessment greater than or equal to 50 and less than 100.
- B.11 Risk III Facility: A facility having a high health risk assessment greater than or equal to 100.
- B.12 Source Classification Code (SCC): A number code created by the U. S. Environmental Protection Agency used to identify processes associated with sources that contribute emissions to the atmosphere. The more processes (or SCCs) that a facility employs the more complex the toxics emission inventory, prioritization process, and health risk assessment.  
  
A facility with 1 to 2 SCCs is classified as simple, 3 to 5 SCCs as moderate, and 6 or more SCCs as complex.
- B.13 Tracking Facility: A facility with a prioritization score greater than 10 having a health risk assessment greater than or equal to 1 and less than 10, or a health hazard index greater than or equal to 0.1 and less than or equal to 1.
- B.14 Unprioritized Facility: A facility that is subject to the Hot Spots program, pursuant to Sections A.1 through A.4, and has not been prioritized by the District using the District's Prioritization procedure, or has not had a health risk assessment performed per the CAPCOA or OEHHA Risk Assessment Guidelines (whichever is the accepted guideline at the time of the assessment).

C. ANNUAL FEES

The owner or operator of a facility who has been identified by the

District as being subject to the requirements of Health and Safety Code Section 44300 et seq. (the Air Toxics "Hot Spots" Information and Assessment Act), shall pay all applicable state and District fees, as specified below, to the District within 30 days of receipt of notice by the District of required fees. Required fees not paid within 30 days of the due date shall be assessed a 50% late fee.

C.1 The amount of the District program fee shall be equal to the actual costs incurred by the District associated with the site-specific program requirements for each affected facility. The costs shall be determined using the labor rates specified in Rule 7.7, District Cost Determination.

C.2 The amount of the State program fee for each facility shall be that specified by the ARB in accordance with the annual State Air Toxics "Hot Spots" Fee Regulation contained in Title 17, California Code of Regulations, Section 90700 et. seq.. The state portion is a straight pass-through to the facility.

C.3 Program costs include but are not limited to:

(a) District determination of program applicability, review and approval of emission inventory plans, reports, and annual or quadrennial updates.

(b) Public health risk assessment or updated public health risk assessment pursuant to Health and Safety Code Section 44360 et. seq..

(c) Public notification of public health risks pursuant to Health and Safety Code Section 44362.

(d) Facility toxic air contaminant risk reduction audit and plan pursuant to Health and Safety Code Section 44390.

(e) Toxic air contaminant emissions source testing when necessary to determine emissions for inclusion in a toxic air contaminant emissions inventory.

(f) Associated costs for collecting the District and State portion of the fees.

#### D. EXEMPTIONS

The following facilities are exempt from program fees:

D.1 An Agricultural commodity or livestock facility meeting the fee exemption requirements of H&S 44380.1.

D.2 A facility that is assigned a low prioritization score or health risk by the District and has paid the initial state and district program fees.

- D.3 A facility that is assigned an intermediate prioritization score or health risk by the District, has paid the initial state and district program fees, and was not required to submit a quadrennial update report during the fiscal year fees are assessed.
  
- D.4 A facility that does not meet the program applicability requirements as set forth in Sections A.1 through A.4.

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